

**NEW HAMPSHIRE BOARD OF NURSING
MINUTES
February 21, 2013**

Recorder: Kathryn Dickson, Executive Secretary

TOPIC	DISCUSSION	ACTION	FOLLOW-UP
1.0 Call to Meeting	Nursing students welcomed from St. Joseph School of Nursing, Rivier University, and Plymouth State University	Meeting called to order at 8:00 a.m. with R. Duhaime, Chair, presiding Board members present: J. Kuras (JK), T. Collins (TC), B. Libby (BL), B. Fersch (BF), K. Kidder (KK), K. Baranowski (KB), N. Fortin (NF), A. Finn-Waddell (AF) Board members absent: H. Featherston (HF), C. Smith (CS) Board staff present: D. Nies (DN), S. Goodness (SG), K. Dickson (KD). L. Tetreault (LT) joined Board at 10:30 a.m.	
1.1 Open Forum			
1.1.1 Psychiatric/MN nurse practitioners re: credentialing	Psychiatric/MH nurse practitioners addressed Board with questions regarding credentialing.		Further discussion at March 7 Liaison Committee meeting.
1.1.2 Community Paramedicine Draft Protocol	Clay O'Dell from NH Bureau of EMS and Gina Balkus from Home Health Care Association appeared before Board with presentation of draft of Community Paramedicine protocol.	Presentation provided as informational to BON.	
1.2 Addendum			
1.2.1 Additions		7.1.2 K. McCarty, RN Hearing Counsel's List of Witnesses & Exhibits Respondent's List of Witnesses & Exhibits 7.1.3 M. Davis Young Additional Exhibits	

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<p>1.2.2 Deletions</p> <p>1.2.3 Appearances</p>		<p>8.1.5 B. Mockler (Thamm), RN 11:15 appearance</p> <p>9.1.11.1 L. Wood, Letter of reference</p> <p>9.1.14 M. Allard, LNA reinstatement</p> <p>10.1.1 Pinkerton Academy LNA Program</p> <p>11.3.3 LNA Scope of Practice</p> <p>11.3.4 LNA Scope of Practice</p> <p>9.1.1 R. Stebbins, 11:30 appearance</p> <p>1.1.1 C. O'Dell 8:00 a.m. G. Balkus</p> <p>4.1 J. Barnes 8:30 a.m.</p> <p>7.1.1 M. McCabe 8:45 a.m.</p> <p>7.1.2 K. McCarty 9:30 a.m.</p> <p>7.1.3 M. Young 10:15 a.m.</p> <p>7.1.4 K. Descoteau 10:45 a.m.</p> <p>7.1.5 L. Fitzsimmons 11:00 a.m.</p> <p>8.1.3 K. McGinley 11:45 a.m.</p> <p>9.1.2 M. Cestarcich via tel 1:00 p.m.</p> <p>9.1.3 L. Scott 1:05 p.m.</p> <p>8.1.4 H. Erwin 1:10 p.m.</p> <p>9.1.4 J. Loud 1:15 p.m.</p> <p>9.1.5 C. Thivierge 1:10 p.m.</p> <p>9.1.6 S. Swoger 1:25 p.m.</p> <p>9.1.7 K. Hutchinson 1:30 p.m.</p> <p>9.1.8 T. Silva 1:35 p.m.</p> <p>9.1.9 A. Nicholson 1:40 p.m.</p> <p>9.1.10 K. Kesmetis-Beaudet 1:45 p.m.</p> <p>9.1.11 L. Wood 1:50 p.m.</p> <p>8.1.1 R. Perkins 1:55 p.m.</p> <p>9.1.12 A. Connelly 2:10 p.m.</p>	Rescheduled for April meeting.
<p>2.0 Approval of minutes</p> <p>2.1 January 17, 2013</p>	Reviewed and discussed.	M/KK, S/NF to approve minutes as written. Unanimous.	
<p>4.0 Report of Executive Director/Staff</p> <p>4.1 Expense Summary Budget</p>	J. Barnes went over budget with Board.		

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7.0	Adjudicative (Investigator/Prosecutor)			
7.2	Consent Decree/Settlement Agreement/ Voluntary Surrender/ Reciprocal Discipline/Practice Restrictions			
7.2.1	S. Trow, LNA, VS #013864-24	Removed from Consent Agenda for review.	M/KB, S/TC to accept Voluntary Surrender as presented. Unanimous.	DN to respond.
7.2.2	D. Balser, RN,SA #030799-21	Previously reviewed.	M/NF, S/KB to accept Settlement Agreement as proposed. Unanimous.	DN to respond.
7.2.3	P. Ericksen, LPN (BF recused) #008224-22	Previously reviewed.	BF recused. M/NF, S/KB to accept Voluntary Surrender as proposed. Unanimous.	DN to respond.
7.2.4	E. McCarron, RN	Removed from Consent Agenda for review.	M/NF, S/TC to deny Settlement Agreement as proposed. Unanimous.	DN to respond.
7.4	Dismissals (Proposed)			
7.4.1	V. W., RN (BF recused)	Previously reviewed.	M/NF, S/KB to accept recommendations as proposed. Unanimous.	DN to respond.
7.4.2	E. B., APRN (BF recused)	Previously reviewed.	M/NF, S/KB to accept recommendations as proposed. Unanimous.	DN to respond.
7.4.3	M. L., RN (BF recused)	Previously reviewed.	M/NF, S/KB to accept recommendations as proposed. Unanimous.	DN to respond.
7.4.4	A. C., RN (BF recused)	Previously reviewed.	M/NF, S/KB to accept recommendations as proposed. Unanimous.	DN to respond.
7.5	Recommendations (Proposed)			
7.5.1	S. L., RN (BF recused)	Previously reviewed.	M/NF, S/KB to accept recommendations as proposed. Unanimous.	DN to respond.

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7.5.2 J. W., LNA (BF recused)	Previously reviewed.	M/NF, S/KB to accept recommendations as proposed. Unanimous.	DN to respond.
7.5.3 E. K., ME RN	Removed from Consent Agenda for review.	M/NF, S/KB to accept recommendations as proposed. Unanimous.	DN to respond.
7.5.4 O. C., LNA (BF recused)	Previously reviewed.	M/NF, S/KB to accept recommendations as proposed. Unanimous.	DN to respond.
7.5.5 E. B., RN (RD recused)	Previously reviewed.	M/NF, S/KB to accept recommendations as proposed. Unanimous.	DN to respond.
7.1 Hearings			
7.1.4 K. Descoteau, RN #054487-21	Reviewed and discussed Motion to Continue.	M/NF, S/KB to accept Motion to Continue. Unanimous.	DN to respond.
7.1.5 L. Fitzsimmons, RN #051710-21	Reviewed and discussed Motion to Continue.	M/NF, S/KB to accept Motion to Continue. Unanimous.	DN to respond.
3.0 Report of Chair/Members			
3.1 Review of Proposed Amendments to Rules	Reviewed proposed rule changes 100, 200, 500 and 600. Reviewed proposed rule changes to 700 and 800.	M/KB, S/NF to approved proposed amendments to 100, 200, 500 and 600. Unanimous. M/KB, S/TC to approve proposed amendments to 700 and 800. Unanimous.	
7.0 Adjudicative (Investigator/Prosecutor)			
7.1 Hearings			
7.1.1 M. McCabe, APRN #043206-21/23	Reviewed and discussed proposed Settlement Agreement in lieu of hearing. Matthew McCabe, APRN, Respondent, appeared with his attorney, Jon Meyer,	M/NF, S/TC to deny Settlement Agreement as proposed and keep suspension in place pending hearing on whether permanent and/or temporary disciplinary sanctions should be imposed.	DN to respond.

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7.1.2 K. McCarty, RN #050623-21	<p>Esquire. Joni Spring, Director, Dept of Nursing, Elliot Hospital and Attorney Lenihan from Elliot Hospital spoke in opposition of Settlement Agreement.</p> <p>Hearing held for K. McCarty, RN # 050623-21, Docket #12-1205-0348 pursuant to the Nurse Practice Act, RSA 326-B and the administrative rules Chapters 100-800, proceeded at 10:41 a.m. with R. Duhaime (RD), Chair presiding. Board members present: K. Baranowski (KB), A. Finn-Waddell (AF), K. Kidder (KK), B. Libby (BL), B. Fersch (BF), T. Collins (TC), J. Kuras (JK) Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor, Hearing Counsel for the Board. Reading of Notice of Hearing waived. Respondent present to offer testimony. Attorney Lucy Karl represented Respondent. Witnesses for Hearing Counsel: Ann Becker, RN, Director of Care Management for Concord Hospital. Ann Mills, RN, Director of Care Management for Concord Hospital. Witnesses for Respondent: Suzanne Coble, MD via telephone Alison Parodi-Bieling, CEAP, MSW, Employee Assistance Counselor, Concord Hospital Employee Assistance Program Hearing concluded at 11:18 a.m.</p>	<p>Unanimous.</p> <p>M/KB, S/NF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #12; affirm Hearing Counsel's Proposed Rulings of Law #1 - #2; affirm Proposed Sanctions #2 - #7; amend Proposed Sanctions #1 to impose 2-year PROBATION with standard stipulations and assess monetary penalty of \$500 to be paid within 90 days from effective date of Board's order. Unanimous.</p>	<p>DN to respond.</p>
7.1.3 M. Davis Young, APRN #038425-23	<p>Show Cause Hearing held for M. Davis Young, APRN # 038425-23, Docket #12-1228-0354 pursuant to the Nurse Practice Act, RSA 326-B and the administrative rules Chapters 100-800,</p>	<p>M/KK, S/AF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #11 as amended; affirm Hearing Counsel's Proposed Rulings of Law #1 - #2; affirm Proposed Sanctions #2 - #7; amend</p>	<p>DN to respond.</p>

TOPIC	DISCUSSION	ACTION	FOLLOW-UP
	<p>proceeded at 11:25 a.m. with R. Duhaime (RD), Chair presiding.</p> <p>Board members present: K. Baranowski (KB), A. Finn-Waddell (AF), K. Kidder (KK), B. Libby (BL), B. Fersch (BF), T. Collins (TC), J. Kuras (JK)</p> <p>Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor, Hearing Counsel for the Board.</p> <p>Respondent present to offer testimony.</p> <p>Hearing concluded at 11:58 a.m.</p>	<p>Proposed Sanctions #1 to REVOKE NH RN and APRN licenses.</p> <p>Unanimous.</p>	
<p>8.1 Requests for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions</p> <p>8.1.3 K. McGinley Inactive RN #050786-21</p> <p>8.1.5 B. Mockler (Thamm), RN #031598-21</p>	<p>K. McGinley presented oral argument in support of petition to reinstate RN license.</p> <p>B. Mockler (Thamm) appeared with Attorney Daniel Corley to petition Board to consider early release of sanctions and probation period.</p> <p>M/NF, S/TC to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: RD, KB, JK, AF, KK, NF, TC, BL, BF Non-public session began at 12:15 p.m. and concluded at 12:52 p.m.</p>	<p>M/TC, S/NF to reinstate RN license with 2-year PROBATION and standard stipulations. Unanimous.</p> <p>M/NF, S/BL to DENY petition for early release of sanctions and probation period. Unanimous.</p>	<p>DN to respond.</p> <p>DN to respond.</p>
<p>9.0 Licensure</p> <p>9.1 Licensure</p> <p>9.1.2 M. Cestarich LNA Licensure</p>	<p>M. Cestarich presented oral testimony via telephone in support of petition for LNA licensure.</p>	<p>M/JK, S/KK to deny petition for NH LNA licensure. Unanimous.</p>	<p>DN to respond.</p>

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9.1.3 L. Scott Inactive RN #059342-21 9.1.4 J. Loud LNA licensure	L. Scott presented oral testimony in support of petition to reinstate NH RN license. L. Loud presented oral testimony in support of petition for LNA licensure.	M/NF, S/TC to grant petition to reinstate NH RN license. Unanimous. M/NF, S/BF to allow J. Loud to obtain LNA licensure in NH. Unanimous.	DN to respond.
8.0 Requests for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions 8.1.4 H. Erwin, RN #037334-21	H. Erwin presented oral testimony in support of petition to remove probation and all restrictions and conditions from NH RN license.	M/NF, S/AF to grant petition to remove probation and all restrictions and conditions from NH RN license and grant ability to possess NH multi-state license. Unanimous.	DN to respond.
9.0 Licensure 9.1 Licensure 9.1.5 C. Thivierge LNA licensure 9.1.6 S Swoger LNA licensure 9.1.7 K.Hutchinson LNA licensure 9.1.8 T. Silva LNA licensure 9.1.9 A. Nicholson LNA licensure 9.1.10 K. Kesmetis-Beaudet LNA licensure	C. Thivierge presented oral testimony in support of petition for LNA licensure. S. Swoger presented oral testimony in support of petition for LNA licensure. K. Hutchinson presented oral testimony in support of petition for LNA licensure. T. Silva presented oral testimony in support of petition for LNA licensure. A. Nicholson presented oral testimony in support of petition for LNA licensure. K. Kesmetis-Beaudet presented oral testimony in support of petition for	BL recused. M/NF, S/BF to allow C. Thivierge to obtain LNA licensure in NH. Yea: NF, BF, KB, TC Nay: JK, KK, AF Motion carries. M/TC, S/AF to allow S. Swoger to obtain LNA licensure in NH. Unanimous. M/KK, S/BL to allow K. Hutchinson to obtain LNA licensure in NH. Unanimous. M/BL, S/AF to allow T. Silva to obtain LNA licensure in NH. Unanimous. M/NF, S/TC to allow A. Nicholson to obtain LNA licensure in NH. Unanimous. M/KK, S/BL to allow K.Kesmetis-Beaudet to obtain LNA licensure in NH.	DN to respond. DN to respond. DN to respond. DN to respond. DN to respond.

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9.1.11 L. Wood LNA licensure	LNA licensure. L. Wood presented oral testimony in support of petition for LNA licensure.	Unanimous. M/NF, S/BF to allow L. Wood to obtain LNA licensure in NH. Unanimous.	DN to respond.
9.1.12 A. Connelly LNA licensure	A. Connelly presented oral testimony in support of petition for LNA licensure.	M/NF, S/AF to allow A. Connelly to obtain LNA licensure in NH. Unanimous.	DN to respond.
9.1.14 M. Allard LNA reinstatement	M. Allard presented oral testimony in support of petition to reinstate LNA license.	M/NF, S/TC to allow M. Allard to reinstate NH LNA license. Unanimous.	DN to respond.
8.0 Request for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions 8.1.1 R. Perkins, LPN #013747-22 8.1.2 L. Ryznal, RN #047047-21	R. Perkins provided Board with information regarding inconsistent monitoring and low creatinine levels. Reviewed and discussed modification of Board Order requesting suspension of requirement for random drug testing until L. Ryznal finds new employment.	M/NF, S/BF to permit R. Perkins to retain her LPN license. Unanimous. M/NF, S/AF to deny request for modification. Unanimous.	DN to respond. DN to respond.
7.0 Adjudicative (Investigator/Prosecutor) 7.3 Motion for Reconsideration/Rehearing/ Continuance 7.3.1 S. Mallet, RN #055552-21 Motion for Rehearing Hearing Counsel's Objection to Motion for Rehearing	Reviewed and discussed Motion for Rehearing received from H. Edward McBurney, Esq., on behalf of Sarah Mallett, RN. Reviewed and discussed Hearing Counsel's Objection to Motion for Rehearing.	M/NF, S/BL to deny Motion for Rehearing. None of the Findings of Fact in the Board's order of January 23, 2013, were unlawful or unreasonable or based upon a mistake of fact or law. Unanimous.	DN to respond.
10.0 Education 10.1 Continuing Approval 10.1.1 Pinkerton Academy LNA Program	Reviewed and discussed.	M/NF, S/BL to grant <i>Continuing Approval</i> of LNA program and coordinator. Unanimous.	DN to respond.

